

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

ADRIENNE A. KAPLAN,	:	Case No. 3:17-cv-233
	:	
Plaintiff,	:	
	:	
v.	:	
	:	
MIAMI VALLEY HOSPITAL, <i>et al.</i> ,	:	
	:	
Defendants.	:	
	:	

NOTICE OF REMOVAL

1. Under 28 U.S.C. § 1442, Defendant John K. Bini, M.D. is removing to this Court a civil action originally filed in the Court of Common Pleas of Montgomery County, Ohio.

2. On February 28, 2017, Plaintiff Adrienne A. Kaplan filed a document titled “Complaint for Medical Negligence/Wrongful Death; Jury Demand” in the Montgomery County Court of Common Pleas. A copy of the complaint is attached as Exhibit 1. Defendant John K. Bini, M.D. was served notice of the Summons on March 10, 2017.

3. This action is removable under 28 U.S.C. § 1442(a)(1). Defendant John K. Bini, M.D. is an employee and officer of the United States and was acting within the scope of his federal employment with regard to the allegations made in Plaintiff’s Complaint.

4. On July 7, 2017, Benjamin C. Glassman, the United States Attorney for the Southern District of Ohio, certified that John K. Bini, M.D. was acting within the scope of his employment and office as an employee of the United States Government at the time of the incidents out of which Plaintiff's claims arose. The Court is respectfully referred to the Certification of Scope of Employment, attached as Exhibit 2 to this Notice.

5. Defendant John K. Bini, M.D. received a copy of the complaint on March 10, 2017. Pursuant to 28 U.S.C. § 2679(d)(2), this action may be removed at any time before trial. Accordingly, this removal is timely.

6. A copy of this Notice of Removal will be filed promptly with the Clerk of the Court of Common Pleas of Montgomery County, Ohio, which will effect the removal. *See* 28 U.S.C. § 1446(d).

7. Copies of the parties' answers and motions from the State Court proceedings are attached as Exhibits 3-6.

Respectfully submitted,

BENJAMIN C. GLASSMAN
United States Attorney

s/Matthew J. Horwitz
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CERTIFICATE OF SERVICE

I certify that on July 11, 2017, the foregoing Notice of Removal was presented to the Clerk of the Court for filing and uploading into the CM/ECF system, and I certify that on the same date a copy of the foregoing was sent by first class mail to:

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